

REMARKS

Claims 1-30 are pending in the application. By this Amendment, the Abstract, the specification, and claims 1-5 and 9 are amended, and new claims 15-30 are added. No new matter is added. Support for the claims can be found throughout the specification, including the original claims, and the drawings. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

The Examiner is thanked for the indication that claims 8 and 9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. §112, second paragraph, set forth in the Office Action and to include all of the limitations of the base claims and any intervening claims. However, for the reasons set forth below, claims 8-9 have not been rewritten in independent form at this time.

The Office Action objected to claims 3 and 4 due to informalities. The Examiner's comments have been addressed in amending claims 3-4. Accordingly, the objection should be withdrawn.

The Office Action rejected claims 1-14 under 35 U.S.C. §112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claims the subject matter with Applicant regards as the invention. The Examiner's comments have been addressed in amending independent claim 1. Accordingly, the rejection should be withdrawn.

The Office Action rejected claims 1, 2, and 10 under 35 U.S.C. §102(b) as being anticipated by Doepke (hereinafter "Doepke"), U.S. Patent No. 3,726,581. The rejection is respectfully traversed.

Independent claim 1 has been amended to recite, *inter alia*, that the height adjustment device comprises a supporter that fixes the height adjustment device to the rack, and a guide panel coupled to slide on one side of the supporter to guide upward and downward movement of the supporter, the guide panel coupled to slide on the guide rail. Doepke does not disclose or suggest at least such features or the claimed combination of independent claim 1.

The Examiner corresponds element 19 disclosed by Doepke as a bracket to the claimed supporter. Further, the Examiner corresponds element 21 disclosed by Doepke as a slot to the claimed guide panel. However, the slot 21 is a hole vertically elongated in a corner portion of the bracket 19 to serve as a guideway. Accordingly, the slot 21 is not a guide panel coupled to slide on one side of the supporter to guide upward and downward movement of the supporter.

Accordingly, the rejection of independent claim 1 over Doepke should be withdrawn. Dependent claims 2 and 10 are allowable of Doepke at least for the reasons discussed above with respect to independent claim 1, from which they depend, as well as for their added features.

The Office Action rejected claims 1-7 and 11-14 under 35 U.S.C. §103(a) as being unpatentable over Austin (hereinafter "Austin"), U.S. Patent No. 5,657,878 in view of Doepke. The rejection is respectfully traversed.

As set forth above, independent claim 1 has been amended to recite, *inter alia*, that the height adjustment device comprises a supporter that fixes the height adjustment device to the rack, and a guide panel coupled to slide on one side of the supporter to guide upward and downward movement of the supporter, the guide panel coupled to slide on the guide rail. Austin and Doepke, taken along or in combination, do not disclose or suggest at least such features or the claimed combination of independent claim 1.

The Examiner corresponds support member 22 disclosed by Austin to the claimed supporter, track 16 to the claimed guide rail, and arm member 26 to the claimed guide panel. However, the support member 22 does not fix the adjustment position device 10 to the rack 12; rather, the arm member 26 fixes the adjustment position device 10 to the rack 12. Further, the arm member 26 is not coupled to slide on the track 16; rather, the support member 22 is coupled to slide on the track 16 via shaft 20 and roller 18.

Accordingly, the rejection of independent claim 1 over Austin and Doepke should be withdrawn. Dependent claims 2-7 and 11-14 are allowable over Austin and Doepke at least for the reasons discussed above with respect to independent claim 1, from which they depend, as well as for their added features.

Added claims 15-30 also meet the requirement of 35 U.S.C. §112 and define over the applied prior art.

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Reply to Office Action dated November 14, 2006

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CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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